

**New Jersey State Board of Education
Minutes of the Regular Monthly Meeting
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

September 1, 2004

Presiding: Arnold G. Hyndman, Ph.D., President

Secretary: Dwight Pfennig, Ed.D., Acting Commissioner

PRESENT CONSTITUTING A QUORUM

ABSENT

Ms. Margaret F. Bartlett
Dr. Ronald K. Butcher
Ms. Debra Casha
Ms. Maud Dahme
Ms. Kathleen A. Dietz
Mrs. Anne S. Dillman
Ms. Josephine E. Figueras
Mr. John A. Griffith
Dr. Thelma Napoleon-Smith
Mr. Samuel J. Podietz
Mr. Edward M. Taylor
Mrs. Roberta Van Anda

CONVENING

Arnold G. Hyndman, president, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, the New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interest is discussed or acted upon, and

WHEREAS, in accordance with the provisions of this act, the State Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Department of Education, Secretary of State's Office and notice also having been given to the State House Press Corps, the Governor's Office and the state board agenda subscribers, now therefore be it

RESOLVED, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on September 1, 2004.

ADJOURN TO EXECUTIVE SESSION

President Hyndman then read the resolution pertaining to the executive session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed, now therefore be it

RESOLVED, that consistent with the provision of *NJSA* 10:4-12(b), the State Board of Education will now adjourn to executive session to discuss personnel matters.

The State Board immediately adjourned to executive session.

RECONVENING

President Hyndman reconvened the public meeting with the reading of the resolution pertaining to the resumption of the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, consistent with the provision of *NJSA* 10:4-12(b), the State Board will now adjourn from executive session to resume the open session of this meeting.

STUDENT SPEAKERS

Katie Wright, the 2004 student representative to the State Board of Education and a junior from Shawnee High School (Burlington County), was not present.

Dwight Pfennig, acting commissioner, introduced the student guest speaker.

Lyndsey Piecyk, a student from Delsea Regional High School (Gloucester County), spoke to the State Board about a program in her school called the “Peace and Respect Program.” She stated that the purpose of this program is to find alternative methods to violence to settle disputes. Lyndsey stated that the program rewards students for not becoming involved in fights for a consecutive number of days. She also stated that the program, in conjunction, with an anti-bullying policy has minimized the number of fights overall to less than three per year.

President Hyndman, on behalf of the State Board, thanked the student speaker for her presentation. President Hyndman also requested Lindsey’s permission to place the text of her presentation on the State Board’s website at www.state.nj.us/education.

INTRODUCTIONS

Acting Commissioner Pfennig recognized Robert Osak, Hudson County Superintendent of Schools, who represented the county superintendents. Mr. Osak has served in this position since September 1998.

APPROVAL OF MINUTES OF THE MEETINGS

On a motion duly seconded and carried, the State Board members approved the minutes of the meetings conducted on August 4, 2004 and August 18, 2004. State Board members Kathleen Dietz, Edward Taylor and Roberta Van Anda abstained.

PRESIDENT'S REPORT

State Board of Education Policy Retreat

President Hyndman announced that the State Board of Education will hold its annual policy retreat from September 13-15, 2004 at the University Inn and Conference Center at Rutgers University in New Brunswick, New Jersey. President Hyndman further stated that the purpose of the retreat is to discuss public education issues in New Jersey and to conduct a self-analysis of the operations of the State Board.

September Work Session and Public Testimony Session

President Hyndman stated that the September work session will be held on September 15, 2004 at 1:00 p.m. at Rutgers University, University Inn in New Brunswick. The items for consideration will be Success Stories in Low Performing Schools.

President Hyndman also stated that the September public testimony session is cancelled. However, the State Board and the Department will accept written comment on *NJAC* 6A:28, School Operations.

Committee Appointments for 2004-2005

President Hyndman announced the following State Board committees and the respective chairs for 2004-2005. The full committee list is as follows:

Legal Committee

Debra Casha, chair
Margaret Bartlett
Kathleen Dietz
John Griffith
Roberta Van Anda
Maud Dahme-alternate
Ronald Butcher-alternate

Legislative/Administrative Code Committee

Maud Dahme, chair
Ronald Butcher
Debra Casha
Thelma Napoleon-Smith
Roberta Van Anda

Urban Education Committee

John Griffith, chair
Ronald Butcher
Anne Dillman
Josephine Figueras
Edward Taylor

International Education Committee

Kathleen Dietz, chair
Debra Casha
Maud Dahme
Roberta Van Anda

Retreat/Strategic Plan Committee

Debra Casha, chair
Ronald Butcher
Josephine Figueras
Samuel Podietz

Research and Development Committee

Ronald Butcher, chair
Kathleen Dietz
John Griffith
Samuel Podietz
Roberta Van Anda

Exemplary Programs Committee

Roberta Van Anda, chair
Margaret Bartlett
Kathleen Dietz
Anne Dillman
Josephine Figueras

President's Advisory Committee

Arnold Hyndman, chair
Debra Casha
Maud Dahme
Anne Dillman

President Hyndman also announced the State Board liaisons:

Student Health and Safety Issues Liaison

Josephine Figueras

Rural/Migrant Liaison

Maud Dahme

Vocational Education Liaison

Samuel Podietz

Governor's Liaison

Arnold Hyndman
Debra Casha

Student Discipline Liaison

Edward Taylor

State Action for Educational Leadership Project (SAELP) Liaisons

Maud Dahme
Arnold Hyndman

President Hyndman stated that he will serve as the National Association for State Boards of Education representative to National Council for Accreditation of Teacher Education to serve as a member of their accreditation team.

Chief of Staff Resignation

President Hyndman stated that Gloria Hancock has resigned from her position as the department's Chief of Staff. Ms. Hancock accepted a position as Assistant Superintendent of Student Services in the Trenton Public School District. President Hyndman acknowledged that during her tenure at the department, Ms. Hancock served as the director of the Office of Specialized Populations and assistant commissioner of the Division of Student Services in addition to her role as Chief of Staff. President Hyndman further acknowledged that both the Department and the State Board have greatly benefited from her contributions to the implementation of education policy.

COMMISSIONER'S REPORT

Englewood Report

Acting Commissioner Pfennig provided an update on the progress in the Englewood School District. Dr. Pfennig stated that the 2004-2005 school year is the third in which the Englewood School District would implement the Academies@Englewood program through the Interdistrict Public School Choice Program. Dr. Pfennig also stated that in the 2002-2003 school year, 55 out-of-district students were admitted to the ninth grade; 63 out-of-district students were admitted to the ninth grade for the 2003-2004 school year; and 73 out-of-district students were admitted to the ninth grade for the current school year. Dr. Pfennig also provided an analysis of the impact of these students on the racial and ethnic diversity of the student bodies of the Academies@Englewood program, Dwight Morrow High School and of the entire Englewood School District.

P-20 Partnership

Acting Commissioner Pfennig provided an interim report on the P-20 Higher Education Public School Partnership Program. He stated that the purpose of the grant opportunity was to provide start-up funding for the establishment of connections between the traditional K-12 programs and institutions of higher education. This program was designed to provide education services to benefit students and teachers. Dr. Pfennig stated that each of the five participating partnerships submitted interim reports. Dr. Pfennig also stated that the Department has been pleased with both the quality of the initial proposals and the programs initiated as a result of the funding opportunity. Dr. Pfennig concluded by stating that a final report of the grant activities will be completed at the end of October and the Department would prepare an additional report based on the final submissions.

ITEMS FOR CONSIDERATION:

On motions duly seconded and carried, the State Board of Education took the following action:

A. Appointments

- Approved the appointment of Maria Nuccetelli as County Superintendent of Passaic County.
- Approved the appointment of Aaron Graham as County Superintendent of Bergen County.
- Approved the appointment of Robert Osak as County Superintendent of Hudson County.

B. Certification of Districts

- Certified for a period of seven years, the following districts pursuant to the Public School Education Act of 1975, *NJAC 6A:30*, Evaluation of the Performance of School Districts, and the *Manual for Evaluation of Local School Districts*.

Atlantic County	Cape May County
Hammonton	Lower Cape May Regional
Burlington County	Upper Township
Delanco Township (previously certified with conditions)	Gloucester County
Maple Shade Township (previously certified with conditions)	Glassboro (previously certified with conditions)
Southampton Township (previously certified with conditions)	Monroe Township (previously certified with conditions)
Camden County	Monmouth County
Berlin Township	Eatontown
Pine Hill	Freehold Borough
Winslow Township	Tinton Falls
	Ocean County
	Eagleswood Township

C. Student Residency

- Adopted the sunset readoption with amendments and recodification of *NJAC* 6A:28-2, Entitlement to Attend School based on Domicile or Residency in Districts, to a new chapter proposed at *NJAC* 6A:22, Student Residency, pursuant to *NJSA* 18A:38-1.

D. School Ethics Commission

- Adopted the sunset readoption with amendments of the School Ethics regulations proposed at *NJAC* 6A:28 pursuant to *NJSA* 18A:12-34.

E. Request for School District Name Change

- Adopted the request for a name change from Chester Township School District to the Chester School District pursuant to *NJSA* 18A:13-6.

F. State Board of Examiners

- Adopted the resolution approving the reappointments to the State Board of Examiners in accordance with *NJSA* 18A:6-34 and 35. State Board member Ronald Butcher abstained.

**RESOLUTION
STATE BOARD OF EXAMINERS**

WHEREAS, pursuant to *NJSA* 18A:6-38, the State Board of Examiners is responsible for issuing, revoking and suspending educational certificates under rules prescribed by the State Board of Education; and

WHEREAS, pursuant to *NJSA* 18A:6-34, members of the State Board of Examiners are appointed by the Commissioner of Education with the approval of the State Board of Education; and

WHEREAS, the Commissioner, after consulting with members of the education community, has recommended the appointment and reappointment of individuals; and

WHEREAS, the individuals recommended have established reputations for distinguished service; now therefore be it

RESOLVED, that the State Board of Education hereby approves the reappointment to the State Board of Examiners, for a term of two years, each of the following persons:

Ms. Joanne Gales
Teacher

Mr. James Gay
Teacher

Dr. Stuart Schnur
Superintendent, Type II District

Ms. Gloria Tunstall
Elementary School Principal

G. Interdistrict Public School Choice

- Adopted the readoption with amendments of the Interdistrict Public School Choice regulations proposed at *NJAC* 6A:12 pursuant to *NJS*A 18A:36B-1 et seq.

H. Professional Teaching Standards Board

- Adopted the resolution approving the appointment to the Professional Teaching Standards Board for a term of three years, pursuant to *NJAC* 6A:9-15.

RESOLUTION
PROFESSIONAL TEACHING STANDARDS BOARD APPOINTMENT

WHEREAS, the State Board of Education has adopted regulations that require continuing professional development for all active teachers and education services personnel; and

WHEREAS, the regulations establish the creation of a Professional Teaching Standards Board to ensure that required continuing education experiences are challenging and meaningful to teachers and relevant to the tasks of enabling students to achieve the Core Curriculum Content Standards; and

WHEREAS, members of the Professional Teaching Standards Board are appointed by the Commissioner of Education with the approval of the State Board of Education pursuant to *NJAC* 6A:9-15; and

WHEREAS, a university representative on the Professional Teaching Standards Board has resigned; and

WHEREAS, the Commissioner, in accordance with *NJAC* 6A:9-15 has recommended the appointment of Dr. Carol Brown to fill the vacancy; therefore be it

RESOLVED that the State Board of Education hereby approves the appointment of Dr. Carol Brown to the Professional Teaching Standards Board to complete a term ending January 31, 2005 with the opportunity for reappointment.

I. Professional Licensure and Standards

- Tabled the amendments at *NJAC* 6A:9 pertaining to structured learning experiences, a new endorsement for office administration/office systems technology and grandfathering provisions pursuant to *NJSA* 18A:4-15.

J. Standards and Assessment

- Discussed the readoption with amendments of the Standards and Assessment regulations proposed at *NJAC* 6A:8 pursuant to *NJSA* 18A:7A-4 through 14, 18A:7C, 18A:7E-2 through 5, 18A:35-4.2, 18A:35-4.7, 18A:59-5 and 18A:7F-4, 4.1 and 4.2.

K. Core Curriculum Content Standards

- Discussed the following resolution to adopt the social studies standards pursuant to *NJAC* 6A:8:

RESOLUTION TO ADOPT REVISED SOCIAL STUDIES STANDARDS

WHEREAS, the State Board of Education has adopted rigorous Core Curriculum Content Standards and associated cumulative progress indicators which establish the basis for local curriculum and instruction for all students and the Statewide assessment system; and

WHEREAS, the State Board of Education is responsible under *NJAC* 6A:8-2.1(a)4 for initiating a review and readoption process for the Core Curriculum Content Standards every five years, based on recommendations by the Commissioner of Education; and

WHEREAS, review panels, comprised of K-12 educators, parents, and representatives from business, industry, and higher education have reviewed the revised Core Curriculum Content Standards for Social Studies; and

WHEREAS, the review panels considered the implementation of the standards in New Jersey over the last five years as well as developments in national standards,

recent state and federal mandates, current and emerging issues, and the recommendations of external reviewers; and,

WHEREAS, the review panels have elicited extensive public input through regional feedback sessions, written feedback, and electronic feedback submitted through the department's website; and,

WHEREAS, the Department of Education and the State Board of Education have further reviewed and refined the standards and expectations based on testimony gathered through public hearings and a review by Achieve, Inc; now therefore be it

RESOLVED, that the New Jersey State Board of Education hereby directs that these revised social studies standards, along with the accompanying cumulative progress indicators, will become immediately applicable to all students; and be it further

RESOLVED, that the revised Core Curriculum Content Standards for Social Studies, dated October 6, 2004, will serve as the basis for any state or local assessments deemed appropriate by the Department of Education and the State Board of Education; and be it further

RESOLVED, that the State Board of Education will initiate the review and adoption of the Core Curriculum Content Standards beginning in May 2008; and be it further

RESOLVED, that the State Board of Education commends the many individuals and organizations, both within the State and beyond its borders, who have contributed to the revision of these standards.

L. Marie H. Katzenbach School for the Deaf

- Discussed the readoption of the Marie H. Katzenbach School for the Deaf regulations at *NJAC* 6A:21 pursuant to *NJSA* 18A:1-1, 18A:4-15, 18A:6-10 et seq., 18A:39-1, 18A:46-1 et seq., 18A:60-2 through 60-3 and 18A:61-1 et seq.

M. Commissioner's Recognition Of Award Winners

- **Gilder-Lehrman Institute Teacher Award**

Richard Ten Eyck, assistant commissioner, Division of Educational Programs and Assessment, introduced Beverly Jones, a teacher at Trenton Central High School, named as the New Jersey winner of the *Preserve America* Teacher of the Year. This award honors one outstanding K-12 teacher of American history from each state and U.S. territory annually. The award is co-sponsored by *Preserve America*, a new White House initiative, and the Gilder Lehrman Institute of American History. President Hyndman and Acting Commissioner Pfennig congratulated Mrs. Jones on behalf of the State Board and the Department for this honor.

NEW BUSINESS

President Hyndman appointed State Board members Ronald Butcher and Maud Dahme to serve as alternate members of the legal committee to provide additional support as necessary.

LEGAL CASES

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Margaret F. Bartlett, Kathleen Dietz, John A. Griffith, Roberta Van Anda, and Debra Casha, chairperson.

ARLENE C. ALLEN, BERNIE BUETTNER, RICHARD ESANDRIO, JOHN A. MAIKOS, BARBARA OBERDING, CARMINE N. VITOLO AND SHARON WEISKOPF V. BOARD OF EDUCATION OF THE TOWNSHIP OF CLARK, UNION COUNTY AND DOROTHY BARANGER, DENIS BORAI, ALLAN CZAYA, ARLENE DELLACERRA, SUSAN DOUGHERTY, LEONARD FERRARA, THOMAS GALISZEWSKI, HARVEY GOLDBERG, PAMELA HARTKOPF, THOMAS KAPTOR, BETTY MELCHIOR, LORRAINE OLSZEWSKI, JUDY ROTHWELL, EDWARD SAN FILLIPO, LOIS SAVAGE, GENE STRYKER, KAREN VINACOUR, AND ILENE ZELKIN V. BOARD OF EDUCATION OF THE TOWNSHIP OF CLARK, UNION COUNTY, STATE BOARD DOCKET #23-04

The petitioners, tenured teachers who had been employed by the Union County Regional High School District No. 1 at the time of its dissolution in 1997, filed petitions with the Commissioner of Education contending that their new employer, the Clark Township Board of Education, had improperly calculated their compensation for accumulated sick leave when they retired in 2001 and 2002. The petitioners claimed that they were entitled to be compensated for sick leave accumulated during their employment with the regional district at the rate provided in the collective bargaining agreement in effect at the time of the dissolution. The Commissioner rejected the petitioners' claim and dismissed their petitions, concluding that payment for accumulated sick leave was not protected by *NJSA* 18A:13-64 as either a tenure right or an "other similar benefit" under the statute. Thus, such payment was a contractual benefit subject to collective bargaining negotiations. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

BOARD OF EDUCATION OF THE TOWNSHIP OF EAST BRUNSWICK, MIDDLESEX COUNTY V. NEW JERSEY STATE DEPARTMENT OF EDUCATION, COMMISSIONER OF EDUCATION, STATE BOARD DOCKET #30-04

The State Board of Education voted unanimously to grant the district board's motion to compel production of documents and to supplement the record on appeal with those documents pursuant to *NJAC* 6A:4-1.9(b).

SYLVIA LUSTBERG V. BOARD OF EDUCATION OF THE BOROUGH OF TENAFLY, BERGEN COUNTY, STATE BOARD DOCKET #20-04

The petitioner filed a petition with the Commissioner of Education claiming that she had achieved tenure in the district as a teacher and that the district board had violated her tenure rights when it failed to reemploy her for the 2003-04 school year. The district board countered that the petitioner had not served for the requisite period of time under *NJSA* 18A:28-5 to

achieve tenure. In support of her claim, the petitioner argued that her employment as a substitute teacher during a portion of the 1999-2000 school year should have counted towards the acquisition of tenure. During the period in question, the petitioner had acted in the place of a teacher who had been granted a one-year leave of absence by the district board. The petitioner maintained that a vacancy had been created in March 2000 when the regular teacher notified the district board that she would not be returning for the 2000-01 school year.

The Commissioner rejected the petitioner's argument and dismissed the petition. In so doing, the Commissioner stressed that the district board, in accepting the regular teacher's resignation, did not rescind her one-year leave of absence and had made her resignation effective June 30, 2000 at the end of her approved leave. Thus, the position was not vacant until June 30, and the petitioner's service during the 1999-2000 school year could not be counted towards the acquisition of tenure. The State Board of Education voted unanimously to affirm the decision of the Commissioner.

RAMSEY TEACHERS ASSOCIATION V. BOARD OF EDUCATION OF THE BOROUGH
OF RAMSEY, BERGEN COUNTY, STATE BOARD DOCKET #21-01

The Ramsey Teachers Association filed a petition with the Commissioner of Education challenging the use of non-certified nurses by the district board when certified school nurses were not present in the building. The Commissioner dismissed the petition, concluding that *NJSA* 18A:40-3.3 does not expressly require that a certified school nurse be present whenever a non-certified nurse performs duties that supplement the services provided by the certified school nurse pursuant to *NJSA* 18A:40-3.5. The Commissioner also found that there was no evidence that the registered nurse serving as a school health aide at the school was functioning in a manner that was not in compliance with the applicable regulations. He therefore concluded that the district board's division of duties between the certified nurse and the school health aide did not violate *NJSA* 18A:40-3.3.

The State Board of Education voted unanimously to affirm the decision of the Commissioner. The State Board observed that, while *NJSA* 18A:40-3.3 requires that a certified school nurse be assigned to the building or complex where the non-certified nurse is providing supplemental services, nothing in the statutory language requires the certified school nurse to be present when such services are being provided. The State Board stressed, however, that the non-certified nurse may not provide "school nursing services," which include those duties expressly reserved to "school nurses" by statute or regulation.

N.S. AND J.S., on behalf of minor child, A.S. V. BOARD OF EDUCATION OF THE
TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, STATE BOARD
DOCKET #22-04

The State Board of Education voted unanimously to affirm the decision of the Commissioner of Education, agreeing that A.S. was entitled to a free public education in the North Brunswick school district. The Commissioner concluded that since A.S. was domiciled in North Brunswick with his cousin, N.S., who was his legal guardian, while his parents were in India on business for an extended period, he was entitled to a free public education in the district pursuant to *NJSA* 18A:38-1(a). Furthermore, for the period prior to the award of legal guardianship to N.S., A.S. was entitled to a free public education in the district pursuant to *NJSA* 18A:38-1(b) since the petitioners had established that A.S.'s parents were not capable of supporting him or providing

care for him due to a family hardship and that A.S. was not residing with the petitioners solely for the purpose of receiving a free public education in the district.

IN THE MATTER OF THE REMOVAL OF PAUL SCHAEDEER FROM THE BOARD OF TRUSTEES OF THE GOLDEN DOOR CHARTER SCHOOL, JERSEY CITY, HUDSON COUNTY, STATE BOARD DOCKET #49-03

The School Ethics Commission determined that the appellant, chairperson of the charter school's board of trustees, had violated *NJSA* 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members, which is part of the School Ethics Act, in connection with the termination of the school's chief academic officer, Karen Jones. The Commission found that the appellant had improperly excluded one of the members of the board of trustees from the decision-making process. The Commission also concluded that the appellant had violated *NJSA* 18A:12-24(b) of the Act in connection with the hiring of a former member of the board of trustees, Barry Fields, as an information technology consultant. The Commission concluded that the appellant's conduct warranted his removal from the board. The Deputy Commissioner of Education, emphasizing that the Commissioner's jurisdiction was limited to reviewing the sanction recommended by the School Ethics Commission, adopted the Commission's recommended sanction and directed that the appellant be removed from his membership on the board of trustees.

The State Board of Education voted unanimously to affirm with modification the Commission's determination that the appellant had violated the School Ethics Act in connection with the termination of Jones' employment and to reverse the Deputy Commissioner's determination that the appellant had violated the Act in connection with the hiring of Fields. The State Board stressed that the appellant did not dispute the fact that he had excluded one of the members of the board of trustees from the decision-making process to seek Jones' resignation and to have a severance agreement drafted by the board's counsel for her signature. Consequently, it concurred with the Commission that there were no material facts in dispute with regard to the allegation involving Jones. Furthermore, it agreed that the appellant's conduct violated *NJSA* 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members. However, the State Board disagreed with the Commission that a violation of the School Ethics Act had been demonstrated with regard to the appellant's actions in the hiring of Fields, finding no indication in the record that the appellant had used his position on the board of trustees to secure unwarranted privileges, advantages or employment for Fields in violation of *NJSA* 18A:12-24(b).

In view of its finding that the appellant had violated the School Ethics Act only with regard to the termination of Jones' employment, the State Board concluded that the appropriate sanction was a reprimand. It therefore voted unanimously to set aside the Deputy Commissioner's directive removing the appellant from his membership on the board of trustees and directed that he be reinstated. The State Board further directed that the appellant be reprimanded for violating *NJSA* 18A:12-24.1(c) and (d) of the Code of Ethics for School Board Members.

IN THE MATTER OF THE REVOCATION OF THE TEACHING CERTIFICATES OF TERRY STOCKER BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #21-04

The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to revoke the appellant's teaching certificates as the result of an incident in which he had wrapped a special education student in duct tape and instructed two female students to drag him down a school hallway by his legs while another student videotaped the episode. Notwithstanding the appellant's testimony that his actions were intended as harmless "horseplay," the State Board of Education, like the Administrative Law Judge (ALJ) and the State Board of Examiners, found his conduct to be highly disturbing. Indeed, the record confirmed the ALJ's account that the appellant "was not only an active participant but he was actually the instigator of the highly inappropriate activity." Under the circumstances, the State Board fully agreed with the Board of Examiners that revocation of the appellant's teaching certificates was warranted.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its September 1, 2004 public meeting at 3:00 p.m.

Dwight Pfennig, Ed.D., Acting Commissioner
Acting Secretary, NJ State Board of Education

w:\minutes\m-sept 1_2004.doc